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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

	ATTY. DOCKET NO.:	**AUS9200032US1**
IN RE APPLICATION OF: *MICHAEL WAYNE BROWN, ET AL.*	§ EXAMINER:	**PARTHASARATHY, P.**
SERIAL NO.: **09/560,393**		
FILED: **APRIL 28, 2000**	§ ART UNIT:	**2136**
FOR: **MONITORING AND MANAGING USER ACCESS TO CONTENT VIA A PORTABLE DATA STORAGE MEDIUM**		

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APPEAL BRIEF UNDER 37 C.F.R. §1.192

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Sir:

This Brief is submitted in support of the Appeal of the Examiner's final rejection of Claim 44 in the above-identified application. A Notice of Appeal was filed in this case on November 22, 2004 and received in the United States Patent and Trademark Office on November 22, 2004. Please charge the fee of $500.00 due under 37 C.F.R. §1.17(c) for filing the brief, as well as any additional required fees, to **IBM Deposit Account No. 09-0447.**

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REAL PARTY IN INTEREST

The real party in interest in the present Application is International Business Machines Corporation, the Assignee of the present application as evidenced by the Assignment set forth at reel 010773, frame 0632.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, the Appellants' legal representative, or assignee, which directly affect or would be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claim 44 stands finally rejected by the Examiner as noted in the Advisory Action dated January 12, 2005. The rejection of Claim 44 is appealed.

STATUS OF AMENDMENTS

A single amendment canceling all claims except Claim 44 in the present application was filed on December 15, 2004 and was subsequently entered by the Examiner. No other amendments to the claims have been made subsequent to the Final Office Action from which this appeal is filed.

SUMMARY OF THE CLAIMED SUBJECT MATTER

As explained in the specification on pages 21-40, portable computer system acts an an electronic chaperone that includes authority-designated settings for diverse events that are transmittable to multiple diverse access platforms in order to universally enforce an authority-designated access policy. The portable computer system manages user access to various content based on the authority-designated settings. A portable data storage medium coupled to the portable computer system is used to store entries for the authority-designated settings, which designate levels of access to particular types of content.

The portable computer system filters the authority-designated settings such that only selected settings are transmitted to an authority-enabled system, depending upon the type of content controlled by that authority-enabled system. For example, an authority-enabled

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television would receive only authority-designated settings relating to television, for example those indicating the rating of television programs authorized for viewing by the user (see page 21, lines 10-23; page 28, line 18-30). An authorization for said particular user to gain access to the particular type of content is then sent from an authority (see page 23, lines 16-20; page 26, lines12-15), and is received and stored at the portable data storage medium to be later monitored, for example, by the user's parents.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. The Examiner's rejection of Claim 44 under 35 U.S.C. §103(a) as being unpatentable over *Janis* (U.S. Patent No. 5, 263,157) in view of *Bialick et al.* (U.S. Patent No. 6,003,135) (hereinafter *Bialick*) is to be reviewed on Appeal.

ARGUMENT

A. The Examiner's rejection of Claim 44 under 35 U.S.C. §103(a) as being unpatentable over the above combination of *Janis* in view of *Bialick* is not well founded and should be reversed.

Claim 44 in the present application therein recites, *inter alia:*

> *filtering said plurality of authority-designated settings at a portable computer system comprising said portable data storage medium such that only a filtered selection from among said plurality of authority-designated settings are transmittable to said plurality of authority-enabled systems*

As explained in the summary of the invention, this element of the present invention provides for filtering selections from the settings to be transmitted to the authority-enabled systems. In the preferred embodiment, only settings necessary to determine the appropriate content to be authorized for the user are transmitted to the authority-enabled systems. As an example, a smart card containing a user's authority to view particular television programming can be inserted into an authority-enabled television at a hotel, for example. The authority-enabled television would only receive the television-related authority-designated settings from the smart card and not the remaining unfiltered settings contained on the smart card. This permits only appropriate television programming to be made available to the user, in accordance with the filtered authority-designated settings. Nowhere does either *Janis* or *Bialick*, or any combination thereof, suggest such a system.

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On pages 16-18 of the Final Office Action, the Examiner argues that Claim 44 is suggested by a combination of *Janis* and *Bialick*. In particular, the Examiner suggests that filtering of *Janis'* profile data is shown or suggested at column 4, lines 65-68 of *Janis*, and shows receiving entries for a plurality of authority-designated settings from a plurality of allowable authorities at column 2, lines 40-45 of *Janis*. Appellants submit that these teachings of *Janis* nowhere suggests the above step of filtering authority-designated settings, in accordance with the present invention.

As *Janis* explains at column 2, lines 38-59, user access control for resource objects within a distributed computer system is implemented through the use of access control profiles for users are exchanged between a reference monitor service and resource managers for the desired resource objects. The resource managers control access to the resource objects by utilizing the exchanged access control profiles. As explained at column 2, lines 53-58, each access control profile includes access information relating to user selected resource objects, selected groups of users, a selected set of resource objects, or a predetermined set of resource objects and a selected list of users.

As explained at column 4, lines 60-68, *Janis* teaches a system for controlling access to selected resource objects in accordance with the access control information stored in the profiles within the reference monitor. At column 5, lines 15-24, *Janis* teaches creating an access control profile for an object or group of objects and its storage in the reference monitor application. At column 5, lines 25-44, *Janis* teaches the creation of access control profiles for one or more users within the computer system and their storage in the reference monitor application. Finally, at column 5, line 45–column 6, line 16, *Janis* teaches a process for providing controlled access to a number of resource objects located within various computers of a distributed network without requiring each user to enroll access privileges with each resource manager located at each computer within the network.

To accomplish this, *Janis* teaches making a determination of whether or not access to a specific object is permitted based on a comparison of the defined access control profile with the resource object parameters (column 5, lines 56-63). If an access control profile is not local, it must be accessed remotely at another resource manager within the network, which stores the

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control profile for the resource object or the user in question to make the determination of whether or not access to the selected resource is permitted (column 6, lines 1-9).

Nowhere within the teaching of *Janis* is it suggested that the information contained within an access control profile is first filtered by a computer system "*such that only a filtered selection from among said plurality of authority-designated settings are transmittable to said plurality of authority-enabled systems*" as is recited in Claim 44. In other words, *Janis* does not suggest that the access control profiles are filtered such that only a limited profile is retrieved from a remote reference monitor application or resource manager. Instead, as *Janis* explains at column 6, lines 27-32, he teaches a system for rapidly and efficiently interchanging access control profiles containing access control information, not selected portions of the profiles. *Janis* contemplates a homogeneous network of similarly situated resource managers and resource objects to provide a network-wide access control methodology.

In contrast, the preferred embodiment of the present invention contemplates a individual smart card or other memory device containing various access control privileges for disparate systems and networks to provide a "universal" access control system to diverse devices. By filtering the authority-designated settings, the present invention permits a single system to present to a variety of systems with the appropriate authority settings for the receiving system. Without the filtering presented by the present invention, the significant advantages of the present invention could not be realized. For example, without the filtering of the authority-designated settings, a smart card full of designated settings applicable to multiple receiving systems (for example, a television, radio and amusement park) would be unable to discriminate and would download all settings to each receiving system. This would require the receiving system to have enhanced intelligence to decipher the authority-designated settings and select the settings applicable to that receiving system. The present invention avoids such standardization and cooperation between different manufactures of computer-enabled systems by permitting the transmitting access control system to filter the authority-designated settings and transmit only those settings that will be understood by the receiving system.

As an example, a user of the system of the present invention (for example, a child) could insert his smart card into a smart card reader at a chair lift at a ski resort. The receiving

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computer system would filter the settings within the smart card to extract only the authority-designated settings related to the user's skiing ability. The access control system would then transmit those settings to the ski lift operating computer system for interpretation of whether the user is permitted to board the ski lift. In another example, the user's smart card is plugged into a laptop computer in communication with a television cable box. The computer filters the user's television viewing settings and transmits them to the television cable box, which permits access to selected channels based on the user's television authority-designated settings. As can be seen, the present invention provides a unique, novel and unobvious access control methodology for providing universal access to a variety of types of content on a variety types of authority-enabled systems.

Appellants submit that the Examiner has failed to present a *prima facie* case of obviousness for the pending claim. In particular, the Final Rejection fails to explain how the element "*filtering said plurality of authority-designated settings...*" found in the claim is taught or suggested by the prior art. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. MPEP § 2142-2143.

Appellants submit that neither *Janis* nor *Bialick et al.*, taken individually or in combination, show or suggest the steps of Claim 44, and respectfully submit that the rejection of Claim 44 under Section 103(a) is not well-founded and should be reversed.

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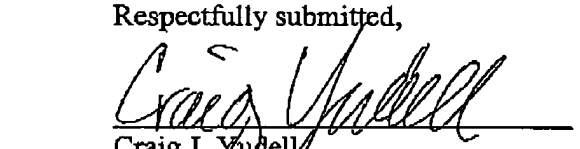
CONCLUSION

Appellants have pointed out with specificity the manifest error in the Examiner's rejections, and the claim language that renders the invention patentable over the combination of references. Appellants, therefore, respectfully request that this case be remanded to the Examiner with instructions to issue a Notice of Allowance for the pending claim.

Respectfully submitted,



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APPENDIX

1-43. (canceled)

44. A method for managing access to content by a user, said method comprising the steps of:

receiving entries for a plurality of authority-designated settings from a plurality of allowable authorities to said particular user at a portable data storage medium associated with said particular user, wherein said plurality of authority-designated settings designate levels of access to particular types of content;

transmitting said plurality of authority-designated settings from said portable data storage medium to a plurality of authority-enabled systems, wherein each of said plurality of authority-enabled systems controls access to at least one type of content;

receiving and storing at said portable data storage medium an indication of authorization for said particular user to said at least one type of content controlled by one of said plurality of authority-enabled systems, such that authorization for content to said particular user is monitored at said portable data storage medium; and

filtering said plurality of authority-designated settings at a portable computer system comprising said portable data storage medium such that only a filtered selection from among said plurality of authority-designated settings are transmittable to said plurality of authority-enabled systems.

45-63. (canceled)

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